



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Snake River Basin Office, Columbia Ecoregion
4696 Overland Road, Room 576
Boise, Idaho 83705

file:
Cyrus
Thompson

RECEIVED

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IDAHO OPERATIONS OFFICE

October 16, 1995

William Chamberlain
Water Permits Section
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Subject: Species Lists for NPDES Permits
SP #1-4-95-SP-313 - 317 File #600.0600

Dear Bill:

The U.S. Fish and Wildlife Service (Service) is providing you with lists of endangered, threatened, listed, candidate, and/or proposed species which may be present in the Aberdeen, Thompson Creek, Caldwell, and Boise project areas. You requested these species lists in a telephone call on September 27, 1995. The lists fulfill requirements for species list under Section 7(c) of the Endangered Species Act of 1973 (Act), as amended. The requirements for Federal agency compliance under the Act are outlined in Enclosure 2. If the project is not started within 180 days of this letter, regulations require that you request an updated list. Please refer to the number shown on the list (Enclosure 1) in all correspondence and reports.

Section 7 of the Act requires Federal agencies to assure that their actions are not likely to jeopardize the continued existence of endangered or threatened species. If a listed species appears on Enclosure 1, agencies are required to prepare a Biological Assessment. It would be prudent for you to consult informally with the Service in development of Biological Assessments. If you determine that a listed species is likely to be affected adversely by the proposed project, the Act requires that you request formal Section 7 consultation through this office. If a proposed species is likely to be jeopardized by a Federal action, regulations require a conference between the Federal agency and the Service.

Candidate species that appear on Enclosure 1 have no protection under the Act, but are included for your early planning consideration. Candidate species could be proposed or listed during the project planning period, and would then be covered under Section 7 of the Act. The Service advises an evaluation of potential effects on proposed and/or candidate species that may occur in the project area. It may be necessary for you to conduct surveys of the project area to determine the status of candidate species there. If it is likely the project will adversely affect a candidate species, we recommend you have further discussions with this office.

If you have any questions regarding Federal consultation responsibilities under the Act, please contact Susan Burch or Alison Beck Haas of this office at (208) 334-1931. Thank you for your continued interest in the Endangered Species Act.

Sincerely,



Acting Supervisor, Snake River Basin Office

Enclosures

cc: FWS-ES, Pocatello (Donahoo)
EPA, Boise (Fromm)

LISTED AND PROPOSED ENDANGERED AND THREATENED
SPECIES, AND CANDIDATE SPECIES, THAT MAY OCCUR
WITHIN THE AREAS OF THE ABERDEEN, THOMPSON CREEK, CALDWELL,
AND BOISE PROJECT AREAS
FWS-1-4-95-SP-313 - 317

WASTEWATER TREATMENT PLANT -- ABERDEEN
SP #1-4-95-SP-313

LISTED SPECIES

COMMENTS

None

PROPOSED SPECIES

None

CANDIDATE SPECIES

Pygmy rabbit (C2)
(*Brachylagus idahoensis*)

THOMPSON CREEK MINE - CHALLIS
SP #1-4-95-SP-314

LISTED SPECIES

COMMENTS

Chinook salmon (LT)
(*Oncorhynchus tshawytscha*)

Sockeye salmon (LE)
(*Oncorhynchus nerka*)

Gray wolf (LE;XN)
(*Canis lupus*)

Experimental/Non-Essential
population

PROPOSED SPECIES

None

CANDIDATE SPECIES

Wolverine (C2)
(*Gulo gulo luscus*)

Bull trout (C1)
(*Salvelinus confluentus*)

Northern goshawk (C2)
(*Accipiter gentilis*)

Townsend's big-eared bat (C2)
(*Plecotus townsendii townsendii*)

Spotted bat (C2)
(*Euderma maculatum*)

Small-footed myotis (C2)
(*Myotis ciliolabrum*)

Long-eared myotis (C2)
(*Myotis evotis*)

Fringed myotis (C2)
(*Myotis thsanodes*)

Long-legged myotis (C2)
(*Myotis volans*)

Yuma myotis (C2)
(*Myotis yumanensis*)

SEWAGE TREATMENT PLANT -- CALDWELL SP #1-4-95-SP-315

LISTED SPECIES

Gray wolf (LE;XN)
(*Canis lupus*)

COMMENTS

Experimental/
Non-essential
population

PROPOSED SPECIES

None

CANDIDATE SPECIES

None

Wastewater Treatment Plant -- West Boise
SP #1-4-95-SP-316

LISTED SPECIES

COMMENTS

Bald eagle (LT)
(*Haliaeetus leucocephalus*)

Gray wolf (LE;XN)
(*Canis lupus*)

Experimental/Non
Essential Population

PROPOSED SPECIES

None

CANDIDATE SPECIES

None

Lander Street Municipal Wastewater Treatment Plant -- Boise
SP #1-4-95-SP-317

LISTED SPECIES

COMMENTS

Bald eagle (LT)
(*Haliaeetus leucocephalus*)

Gray wolf (LE;XN)
(*Canis lupus*)

Experimental/
Non-essential
population

PROPOSED SPECIES

None

CANDIDATE SPECIES

None

GENERAL COMMENTS :

C1 = Category 1 Taxa for which the U.S. Fish and Wildlife Service currently has substantial information on hand to support the biological appropriateness of proposing to list as endangered or threatened. Proposed rules have not been issued, but development and publication of such rules are anticipated.

C2 = Category 2 Taxa for which information now in possession of the U.S. Fish and Wildlife Service indicates that proposing to list as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat are not currently available to support proposed rules. Further biological research and field study may be needed to ascertain the status of taxa in this category.

GRAY WOLF -- Since the translocation of wolves from Canada, the population in Idaho south of Interstate Highway 90 is considered "experimental, non-essential" under Section 10(j) of the Endangered Species Act. Under these circumstances, Federal action agencies are required to confer with the Service if their actions are likely to jeopardize the continued existence of gray wolves (see 50 CFR 17.83). Of course, you may opt to confer with the Service regardless of your determination.

FEDERAL AGENCIES' RESPONSIBILITY UNDER SECTIONS 7(a) AND (c)
OF THE ENDANGERED SPECIES ACT

SECTION 7(a) - Consultation/Conference

Requires: 1) Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;

2) Consultation with FWS when a Federal action may affect a listed endangered or threatened species to insure that any action authorized, funded or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species; or result in destruction or adverse modification of critical habitat. The process is initiated by the Federal agency after determining the action may affect a listed species; and

3) Conference with FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat.

SECTION 7(c) - Biological Assessment for Major Construction Activities ^{1/}=

Requires Federal agencies or their designees to prepare Biological Assessment (BA) for major construction activities. The BA analyzes the effects of the action^{2/} on listed and proposed species. The process begins with a Federal agency in requesting from FWS a list of proposed and listed threatened and endangered species (list attached). If the BA is not initiated within 90 days of receipt of the species list, the accuracy of the species list should be informally verified with our Service. The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). No irreversible commitment of resources is to be made during the BA process which would foreclose reasonable and prudent alternatives to protect endangered species. Planning, design, and administrative actions may be taken; however, no construction may begin.

We recommend the following for inclusion in the BA; an onsite inspection of the area to be affected by the proposal which may include a detailed survey of the area to determine if the species are present; a review of literature and scientific data to determine species' distribution, habitat needs, and other biological requirements; interviews with experts, including those within FWS, State conservation departments, universities and others who may have data not yet published in scientific literature; an analysis of the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; an analysis of alternative actions considered. The BA should document the results, including a discussion of study methods used, any problems encountered, and other relevant information. The BA should conclude whether or not a listed or proposed species will be affected. Upon completion, the BA should be forwarded to our office.

^{1/} A major construction activity is a construction project (or other undertaking having similar physical impacts) which is a major action significantly affecting the quality of human environment as referred to in the NEPA (42 U.S.C. 4332 (2)(c)).

^{2/} "Effects of the action" refers to the direct and indirect effects on an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action.